P.F. 167 of 93

G. R. S. IX-5]

Previous references. 1893-94

192 .

(d. 8)

File No. 130 of 93

Serial Nos. 1-5

Later references.

GENERAL AND RETURNS SECRETARIAT

Serial Nos. 1-5

Major ~~Part~~ B for June 1894

SUBJECT

Appeal of Mr. Devaraja Ur. regarding the Patel dispute of Bagali, Chamarajanagar taluk

---

Communicate

Rep

WD 2235 40 (V) 20,000 4-5-20

AM No. 2087 of 1893-94

Abbe-

Devarapara
Zur of
Bagali Tk
Chennarayapatna

Resp 51

1) Nanjia

2) Gurusiddaiah

In 1888 the Attachee reported to Mamlatdar one Subbanna complained that the was unjustly removed from his office of Patel of the Devarapara of Bagali. The Atty Zur pleaded that there was no hereditary Patel for the village, that the Resp one Nanjunda who was Patel appointed by the Zur, he having been removed in 1870-71, one Subbanna was appointed, he was again removed in 1884, Resp's uncle Siddalinga Gowda, father was appointed & requested that the latter's name be entered in registers. On this the Dy Comr ordered the name of the Resp's uncle to be registered, & asked Subbanna to appeal Resp's uncle filed in 1890, & the suit dismissed dates for a few months, but the Appellate Court has been & appointed another & the Dy Comr held that as the father of Resp was once appointed

Mysb 51

the Dr Court, he had no right
to remove him & order his destruction
the appeal is against the order

Qy. Is Patrick often always
heard by?
If not, has Dr Court power
in Lunacy Cases.
He has - see 221.
Has Dr power to remove
Patients?

Before the Government of N. W. P. Allahabad

Appeal No 92 of 1893-94.

(5)

Appellant.
Mr Ramajeiras,
Inamdar of Bagali
Chamarajanagar Taluk.
represented by Mr C. Rajhamiengar
Advocate.

Respondents.
1 Ranjaiya
2. Gurusiddaiya
(in person)

Facts of the case

A who is the holder of N alienated Village Bagali

The Appellant without reference to the Deputy-Commissioner dismissed the first Respondent from the office of Patel of the ~~Appellant's~~ village, and appointed the second Respondent a stranger ~~to the first Respondent's family~~ on his place. The first Respondent sued to recover possession of the office & The Deputy-Commissioner passed a decree in his favour but remarked that first Respondent was not entitled to claim the allowance, Rs 2 per mensem, hitherto paid from the private income of

N appeal is against the order.

shew that his
appointment was only
for life — The law
so, the natural
presumption is that
he was appointed
with hereditary rights,
& the D.J. Court was
right in holding that
the 1st Respt had right
to succeed her mother.—
The appellant's contention
that the appointment was for
life is not borne out by
any documents produced,
& the appeal is therefore
dismissed.—

At the hearing
Appt stated that 1st
Respt had been guilty
of some misconduct
& that therefore he does
not deserve to be the

16

Patent of the Valleys.
There is altogether no
separate question. If
Appt has sufficient
grounds to dismiss
the 1st Respt for office,
he & there is nothing
to prevent him from
recommending his
dismissal & obtaining
the sanction of the Govt
Govr for the same.

2/6/94

13.6.94

The first Respondent, invoked his uncle Sidlingiya (who died in 1890), but was removed on the suspicion that he let off a case of theft of a jack fruit. It is urged, on behalf of the Appellant that Sidlingiya, ~~the~~ his predecessor was only a nominee of the Crown removable at the latter's pleasure, ~~and~~ that the office was not hereditary, and that Plaintiff was not of good character.

The Samma issued to Sidlingiya under the Seal of the Deputy Commissioner, which, at the hearing, was read by the Appellant's advocate, was in the form ordinarily used in Government offices and contained no expressions indicating that the appointment was hereditary.

No inam lands are attached to the office.

1 Siddalingaya died in 1890 & the 1st Respt succeeded him.

Appellant's contention is that the 1st Respt has no hereditary right & that the office is comparable to removable any one he pleases.

The Record of Inquiry shows that there is no hereditary Patail for the village, that one Veerapurada was doing duties was removed in 1870-71, & one Subbanna appointed in his place, & that the Collector has been removed / ~~vacated the office~~, 1st Respt's uncle Siddalingaya was appointed in his place with the sanction of the Dy Commr. The appointment of the 1st Respt's uncle was unconditional, & there is nothing to

(General Serial No. 32.)

2

1894.

No. 2081

Name of Petitioner: The Arumuga Nadar Municipality of Tenkasi Sagalatheiya.

Village: Tenkasi Taluk: Tenkasi Revenue

Taluk.

District.

Date of Arzi. 20 - 12 - 94

Date of Receipt. 22 - 12 - 94.

Date of Disposal.

No. of Enclosures. two true Petition C.F.

ABSTRACT.

Appeal against the decision of the Deputy Commissioner of Tinnevelly dated 15th Nov 94 in Petition No 2 of 1894 praying that it may be declared

1. that the Plaintiff was and is entitled to the office of Hereditary

2. that according to the Plaintiff's own showing it is clear that he is not the office is not hereditary

In time.
Stamps affixed.
The appellant under the Madras Act III of 1865 to be exempted from the payment of Court fees.
It was submitted that it was hereby, [illegible] as evidence were attached &c.

The Petitioner's pleadings are in Tamil.

L.R. 130 of 94

Call for 30.
& fix a date for hearing.
sd
30/1/1894

Draft
sd
1/2

That by the appointment of a
Mamlatdar as Officer no presumption
can be drawn that he has to
hold the office as hereditary

4. That the decision of the Deputy
Commissioner is opposed to law

5. That the Deputy Commissioner
has not properly appreciated
the evidence

Prays that the order of the
Deputy Commissioner may be
set aside

Filed
24/1

MYSORE COURT FEE

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
REG'D. NO. 2081R
DATE 23-1-94

In the case of the cancellation of the mutation of Bujone
A.S. No 92 of 93-94.
Kumara appellate of 93-94

Sri Dasanajaiah
Channaiah of Channanayaka
Bajahalli age — Chamaraja
Nagarakatte —

Vs

Thimmaiah son of Patail
Siddalingaiah Gowda Ecrisiy
in Bajahalli village Chamaraja
Nagarakatte.

Appellant

Plaintiff

Respondent

Affidavit alone caused
by is referred to this honorable
Court against the decision
of the Deputy Commissioner
of Mysore District passed
in Suit No 10 of 92-93 dated
18th day of November 93
for the following reasons,
namely:—

1265

MYSORE DEWAN'S OFFICE, 7-2-94

PETITION DEPARTMENT.

(3)

OFFICIAL MEMORANDUM.

The accompanying Petition No. 2081

dated 20.1.94 received at the

Dewan's Office from Mr. Desaraje Urs

Mysore (by Mr. V. Raghavachar

advocate) appealing against

the decision of the Deputy Commr.

of Mysore in Rev. Suit No 107/1892-93

regarding the Pateli of Petitioner's

is forwarded, together with its Sarvamanya village Bagali in

enclosures, to the Chamarajanagar Taluk

is forwarded, together with

its two enclosures and a Court-

fee stamp of one rupee, to

the Deputy Commissioner

Mysore District, for submission

of the proceedings. ~~with a~~

~~report on the facts of the~~

~~case and on the points~~

~~urged in the petition.~~

The petition with the enclosures

should be returned.

L.R. 130-93-2

By Order,

Draft
(Consideration)

Chief Secretary.

BANGALORE, 30 Jan 189[illegible]

Received 7-2-94

S.V.
1/2

M. G. O. P. Bangalore.—21-11-92—3,000.

1 That the Plaintiff has not shown that the office he claims is hereditary.

2 That according to Plaintiff's own showing it is clear that the office is not hereditary.

3 That in the appointment of a Chief to an office he, according to Law can be drawn that he has to hold the office as hereditary

4 That the decision of the Revenue Commissioner is approved by Law.

5 That the Revenue Commissioner has not improperly appreciated the evidence.

Therefore the Appellant may file the decision of the Revenue Commissioner may be set aside.

10th January 1894

Rajahmundry

Advocate

13

DEPUTY COMMISSIONER'S OFFICE
MYSORE DISTRICT,

No. 1035.
Re. Petition No. 2081
with its 2 Enclosures
and proceedings —

Dated Mysore March 23? 1894

From

A. Rungaswamy Iyengar Esquire B.A. B.L.

(4)

Deputy Commissioner,
Mysore District.

To

The Chief Secretary to the Dewan of Mysore,
Bangalore

SIR,

I have the honor to submit herewith the proceedings in Revenue Suit No. 10, of 1892-93, on the file of this Court, regarding the Patail of Suvanaya Bagli Village in Chamrajnagar Taluk as directed in your ou. No. 12165 dated 30th January 1894.

The petition and Enclosures received with the above are herewith returned

I have the honor to be,
Sir,
Your most obedt Servt

K Narasimha Ayangar
for Deputy Commissioner
Mysore District.

Compd:
ndn.

1265-

General Serial No. 30.

189 4.

From

The Deputy Commissioner
Mysore Division.

To

The Chief Secretary to the Govt
of Mysore.

Dated 23rd March 1894

Despatched

Received

Enclosures No. Petition No 2081 with its 2 Enclosures and proceedings.

General No.

No. 1035

Submitting as directed, proceedings in Revenue Suit No. 10 of 1892-93 on the file of this Court, regarding the Patail of Lakkamanya Kagli village, Chamarajnagar Taluk.

Rec'd 27/3/94

Typical petition received in a typical suit.

Fair Copy already ordered by the Commissioner - some notes to the petition.

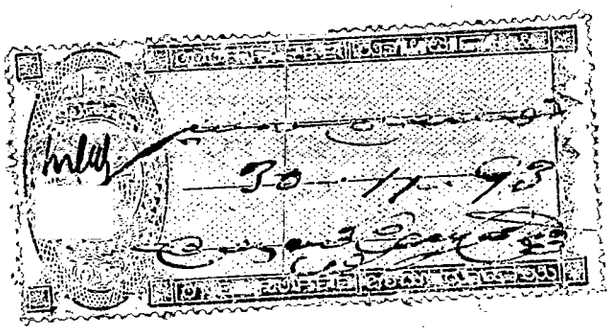
29/3

8/10

Posted 6-10-5-94.

Vide adjd

L.R. 130-93-3



14

మెట్టినూరుతెన్నిరెడ్డి తిప్పిరెడ్డి మీఱిషనర్ నాయుబురమరకోర్టు తిరుగ్రు

యస్సంబు వసుసనే 1892-93 సెల్లువిరివిన్యకోర్టు 10వ సంబు

రుమొకద్దమెయ్యడిక్రిక్రాపియ్యస్సకోర్టుతీర్పుత్తిచ్చేకొండు

22/11/93 తేదల్లు అజీరుమేలతిటమోహాపియస్సకోర్టులు

అర్డరులాడుప్రకారతియూగ్రాతలాలు ఇ

మెట్టినూరుతెన్నిరెడ్డి తిప్పిరెడ్డి మీఱిషనర్ నాయుబురమరకోర్టుతిరుగ్రు

1892-93 సెల్లువిరివిన్యకోర్టు 10వ సంబు బుదుమొకద్దమెయ్యడి

వాది ప్రతివాది

చాపిరాజు సేగిరత్నాస్వామిశాస్త్రి ..... 1 లుదిసర్వమాన్యబాగళ్గిగ్రామ

బాగళ్గిగ్రామదుపయోగులచేబ్బ లాం రెడ్డి దలుసాందాడమెట్టిరెడ్డిరామిరెడ్డిలంబ్రెడ్డి

గిగాత సమగ సంబ్రాయంబ్బ— 2 లుగ్రామదదాతాపటేల్ గుయవద్వెయ్య

—లుగ్రామదపటేలాతకెల్లాన్యవన్నతిపతికమిట్టినూరునాయుబురమరకోర్టు సనే 1889 సెల్లువి

54 వ సంబురుయుక్కెల్లాంమేరకెత్తన్నతండ్రినాయుత్తాలుయ్యలు వహిపతియూదుమెతి

యాతియలు 1 తిరంగ భయకగెలుంకెల్ల నాయుత్తాలుయ్యల్ది న్నపోయిండునెప్రతివాదియు

వారుచెప్పుతప్పినిలుయుత్తియూమనుచెప్పలుల్లనుయుయరత్తనెప్రతివాదియున్నసెలుమిది

కుమమన్నరద్దుమూతిపన్నెనెతిలంసబేకొండువాదివాదా — — — —

లుదామొకద్దమెయ్యల్లాదియుతరఫ్ వకీలు మీఱిషంకొండురాయుడుమ—

మచ్చెప్రతివాదియతరయీయేయుంటుపోయిండునవరరూబురూ చుట్టే మంతరుచ్చాళ్ళు

వచ్చెలుదాసాకలితమున్నీతలుయుల్లదీయురమూతికొచ్చాళ్ళులాతిగినిచరిత్రాలుతీయు

డుతిశలియూతరతరరుమూతిల్చుట్టిరుతే— లుపరంతిలులరుమమెమొరాదా

రంతయూసైయూస్తాస్తినప్రకారమొకద్దమెయ్యల్లాతకొంటయ్యుటకొచ్చుబాబు

మీరులగువొందనేప్రతివాదిచిత్తంయవాదిసంజ్ఞాయగు14-8-సంచుని నాల్గుదా

వాయియంతమునానేశల్లకిలకేండుమన్నతిక్తి మక్కుచయ కాయంమాదల్లవిట్టి తర్వే

చుతాతిథి 14 నేనమంబరుశుభ 1913 వేల్లు చి ——— ——

——— ——యూమీరెడ్డమీయల్లి ఆదుకుచిట్టునగ్గామీమీరాంతంయగానేయుదాస్తు

	వాదిగి			ప్రతివాదిగి		
వాయిదాలకొటరుశుల్కం	10					
పత్రాలత్నామెంతిచిలో		8				
వివరపత్రికేతి.లో						
యగ్జిబిట్లంమూవిదస్త్రీలబాగ్యంగీ.జి						
ప్రీంసీనిగ్యంగీ.తిచిలో	2	4			12	
సాక్ష్యిచ్చ్యాతిచిలో	1	12				
కమిష్ననర్వరుయోగం						
అభిచిలోమాత్రపుబుస్త్రీలబాగు						
సకాలంయాగాబుస్త్రీలుతక్కాలేదు						
మిమూడోపబుస్త్రీలబాగు చేసి						
మొత్తంరూపాయలు	14	8			12	

మొండనేప్రతివాదిమీదిశిక్కాంచే అంతిసవరుచేసాయాచిసంజ్ఞాయగు పాం

చిలుగబడేకాష్ఠమీరాలుగుచుంది నాల్గుదా పాలుయంటానా ——

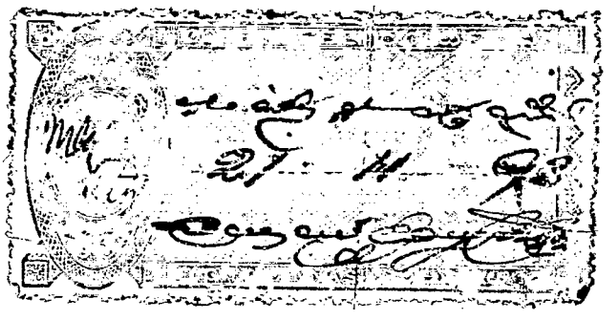
——— ——— (Sd) A. Rangaswami Iyengar
Deputy Commissioner
Mysore District

వాది తరపీవకీలు ———
మి. బి. వెంకోబరావ్

ప్రతివాదిపక్షంకీలు ———

Compared
Hanumanthaiya

Copy applied 22/11/13 Head Copy,
Copy ready 24-11-13 Revenue Sheristadar,
Copy delivered 25-12-13 Mysore District
No of words 406
Copying fee 0—5—0
Comparing fee—0—10
0—5—10



16

2081/2

1

In the Court of the Deputy Commissioner
Mysore District

Present. A. Rangasami Iyengar Esq B.A. B.L.
Deputy Commissioner. Mysore District

Revenue Regular suit No 100 of 1892-93

Plaintiff	Defendant
Ranjiah, son of Patel Siddé-	1 Mr. Desaraje Urs
-Linge Gowda of Surramanya 2d	Amaldar
Bagali village, Chamarajanagar	2 Guru Siddiah Patel
Taluk.	Patel of Bagali

The Plaintiff claims the office of Patel of Surramanya Bagali village on the ground that his father was doing this duty till his death as per Deputy Commissioner's order No 54 of 1882, that after his death, the Plaintiff discharged the same duty for nearly 9 months, when the 1st Defendant dismissed him for no fault and appointed the 2nd Defendant to the office though he has no claim to it. The Plaintiff summarily applied for being restored to the office but the Deputy Commissioner directed him to bring a regular suit vide Taluk Takeed No 37 dated 26th November 1892. It is now more than a year since the Plaintiff was deprived of the office. Hence he requests that he may be appointed to the Patéli and

and declared entitled to recover Rs 24 from the 1st Defendant being the amount of Jagir due to the office for one year together with boat costs.

1st Defendant's defence.

Plaintiff's father was not hereditary Patel. The hereditary Patel son of the man who Rajaram appointed by the Rajas removed by the Deputy-commissioner in 1873. One Brahmin Subbanna was appointed Patel by the Deputy-commissioner on the report of Curator of the state. He was transferred by Rajaram and Plaintiff's uncle was appointed by Rajaram. He died in 1891 - 1st Defendant appointed Plaintiff temporarily on probation, but as he was found incompetent he was removed and 2nd Defendant appointed. - - - - He did not ask Deputy-commissioner to appoint Plaintiff. 9 Jagir 2 Rupees is paid from the Jaghir revenue to Patel, this allowance is regulated at will by the Jaghirdar.

2nd Defendant's defence. I have been appointed by 1st Defendant as Plaintiff was incompetent and encouraged factions &c.

Issues — 1. Is the Patel a hereditary appointment belonging to the village or a manaraty office under the Jaghirdar?

2. Under what circumstances were the Plaintiff and Plaintiff's uncle appointed and did they acquire a hereditary right?

3. Was the Plaintiff appointed temporarily on probation and was the Jaghirdar justified in removing on account of incompetency &c?

4. Is the Plaintiff entitled to the appointment or to any allowance

The suit relates to the Patelship of a Panam village. The records show that no Patel was registered for this village in the Taluk records but that on the representation of the 2nd Defendant through his agent that the former Patel had transferred as he had not been performing his duties satisfactorily and that Plaintiff's uncle should be registered Patel of the village, the Deputy Commissioner granted his request. This was effected in 1890 and it is admitted that Plaintiff discharged the duties for say 9 months. It is contended now for the defence that the appointment is not a hereditary one, and that it partakes of a Manavarty Jaghir appointment terminable at the option of the Jaghirdar as an allowance is paid by the Jaghirdar. But as the Jaghirdar requested that the name of the Plaintiff's uncle should be registered in the Revenue Register of Patels kept in the Taluk records as the Manavardar, I think the Jaghirdar should be held to have intended to create the office of hereditary Patel. The circumstance that an allowance was paid to the Patel from the Jaghir revenues or Manavarty cannot alter the nature of the office though the Jagirdar is at liberty to withhold the allowance at pleasure. I would accordingly find on the 1 and 2 issues that the appointment should be held to be a hereditary village appointment independent of the manavarty and that Plaintiff's uncle was appointed to such

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M. Srinivasa char

Temporary copyist

District office

Mysore

appointment unconditionally

There is nothing to show that the Plaintiff was appointed to the office in succession to his uncle temporarily or on probation. The judgment of the magistrate in Criminal case No 60 of 1897 relied upon by the 1st Defendant shows that the Plaintiff was suspected in a case of having left a case of theft of jack fruit. But this is not enough to deprive Plaintiff of a hereditary appointment so as to justify his dismissal by the 1st Defendant without sanction of the Deputy Commissioner. This disposes of the 3rd issue.

The result is that the Plaintiff must be declared entitled to recover his appointment of Patel of Bagli. But the allowance claimed, is one due by the 1st Defendant from private income, it rests with him to pay it or withhold it at his pleasure. The Plaintiff must if he insists on his rights to the office, be prepared to discharge it without such emoluments. He cannot therefore claim to recover any allowance from the 1st Defendant.

There will accordingly be a decree in his favour for the recovery of the appointment with costs but without any allowance

18/11/98 (Sd) C. Rangachari Iyengar

Deputy Commissioner

Mysore District

Compared
H Ramachariyar

True Copy

M C Krishnaiyar

Revenue Sheristadar

Mysore District

5

Appellate of 1893-94.

Appellant-

Mr. Devaraja Iyer
Dramatic of Bagali
Chamarajanagar Taluk
represented by M. V. Raghavan
Advocate.

Respondents.

1 Ranjaya
2 Gurunadaya.

L.R. 130-93-H

Decision

The appellant-who is the holder of the alienated village of Bagali, petitioned reference to the Deputy Commissioner, dismissed the first Respondent from the office of Patel of the village, and appointed the second Respondent, a stranger, in his place. The first Respondent sued to recover possession of the office, and the Deputy Commissioner passed a decree in his favor. The appeal is against the order.

for life. This being so, the natural presumption is that he was appointed with hereditary rights; and the Deputy-Commissioner was right in holding that the first Respondent had right to succeed his uncle. The appellants' contention that the appointment was for life is not borne out by any documents produced, and the appeal is therefore dismissed.

4. At the hearing Appellant stated that first Respondent has been guilty of some misconduct and that therefore he does not deserve to be the Patel of the village. This is altogether a separate question. If Appellant has sufficient grounds to dismiss the first Respondent from office, there is nothing

2. Appellants' contention is that the first Respondent has no hereditary right, and that therefore he is competent to nominate any one he pleases.

3. The record of enquiry shows that there is no hereditary right for the village, that the Vice Gowda who has duty duties was removed in 1870-71 and one Subbanna appointed in his place, and that the latter having also been removed, first Respondents' uncle, Siddalingaya was appointed in his place with the sanction of the Deputy Commissioner. Siddalingaya died in 1890 and the first Respondent succeeded him. The appointment of the first Respondents' uncle was unconditional and there is nothing to show that his appointment was only

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to forward him from recommending his dismissal and retaining the services of the Deputy Commissioner for the time

Govt Order No 1
dated 7/6/94

By Order

Redraft
(Council order)

Chief Secretary

No 22832
C.S. 47-93 3/7-6-94.

Copy to the Deputy Commissioner, Bhagalpur District with the papers received with his No 1035 dated 23rd March 94

By Order

Chief Secretary

Dismissal
2.8.22/6

Print in abstract
22/7

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Office of the Dewan of Mysore
Petition Branch
Dated 17 June 1894.

No 2081
A. 92.

30-6-94

30 (6)

J.R 130-93-5

Endorsement granted to Mr Siddaraja Urs, Amildar of Bagali, Chamarajanagar Taluk (represented by Mr V. Rajaram-Rao, Advocate), in reply to his petition No 2081 A.S. 92 dated 20th January 1894, appealing against the decision of the Deputy Commissioner of Mysore in Rev. Suit No 10 of 1893-93 ~~regarding the Patel of Bagali~~ awarding to Mr Siddaraja Urs entitled to succeed his uncle Siddaraja as Patel of Bagali

Petitioner is informed that his appeal has been dismissed

If Petitioner has sufficient grounds to show Mr Rajaram-Rao why he is trying to prevent him from succeeding his deceased uncle Siddaraja to the office of Patel he can do so

Secretary

Asst Secretary